

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERRY BRENDEN,

Plaintiff,

v.

SELLEN CONSTRUCTION COMPANY,

Defendant.

Case No. C05-1681L

ORDER REGARDING PLAINTIFF'S
"MOTION - ORDERS AND
JUDGMENTS"

This matter comes before the Court on plaintiff's "Motion - 1. Orders and Judgments 2. Third Party Plaintiff's." Dkt. # 39. It is not clear what relief plaintiff seeks. The first part of the submission suggests that plaintiff is willing to end this litigation in exchange for \$9,000,000, "WITH FUNDS COMMENCING IMMEDIATELY." To the extent that plaintiff is making a settlement offer, such discussions are between the parties and need not involve the Court.

Toward the end of the motion, plaintiff states, "I JERRY A BRENDEN, ask the U.S. DISTRICT COURT, SEATTLE. To end this litigation. . . . This is with regret and the request to the Two Judges Signature that have heard this case in Seattle."¹ It is not clear whether

¹ Plaintiff has filed two actions against his former employer, Sellen Construction Company. The first action, C05-0427M, was assigned to the Honorable Ricardo S. Martinez and was dismissed on May 16, 2005.

1 plaintiff's request for dismissal is contingent on defendant's payment of \$9,000,000 or whether
2 he wants to voluntarily dismiss this case regardless of defendant's willingness to settle.
3 Defendant has filed a purported "Preliminary Answer" in this litigation (Dkt. # 14), so this case
4 can only be dismissed via a stipulation of the parties or an order of the Court. If plaintiff intends
5 to voluntarily dismiss his claims against Sellen, he shall file and serve a Praecipe containing the
6 following language:

7 The Clerk of Court is directed to renote plaintiff's "Motion - 1. Orders and
8 Judgments 2. Third Party Plaintiff's" (Dkt. # 39) on the Court's calendar as a
9 motion for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(2). The motion
10 shall be noted for the fourth Friday after filing.

11 Unless and until such a Praecipe is filed, neither the Court nor defendant shall take any further
12 action with regards to Dkt. # 39.

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15 DATED this 3rd day of April, 2006.

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17 Robert S. Lasnik
18 United States District Judge
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